

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

UNITED STATES OF AMERICA	§	
	§	
v.	§	No. 6:18-CR-16
	§	(Judge RWS/KNM)
HEON JONG YOO	§	
a/k/a "HANK YOO"	§	

**GOVERNMENT'S DISCLOSURE AND NOTICE
OF INTENT TO CALL EXPERT WITNESS**

The United States of America files, pursuant to Federal Rule of Criminal
Procedure 16, this notice of intent to call the following expert witness:

Warren K. Keener
Special Agent
Bureau of Alcohol, Tobacco, Firearms, and Explosives
110 N. College, Suite 1500
Tyler, Texas 75701

Special Agent Keener is currently employed as a Special Agent with the ATF. He has held this position since January 2001. In this position, Special Agent Keener conducts criminal investigations concerning alleged violations of federal firearms laws. He has acquired knowledge and experience with respect to firearms and ammunition as well as the interstate nexus of such items due to his participation in federal firearms investigations, research on the subjects, review of relevant records, conferring with other experts, training, and certifications. He has prepared reports and official correspondence relating to the identification, origin, and classification of firearms and ammunition under the provisions of the federal firearms laws. A copy of his statement of qualifications is attached as Exhibit 1.

During the course of his duties with ATF, Special Agent Keener has examined thousands of firearms and rounds of ammunition for the purpose of determining the manufacturer, model, caliber/gauge, serial number, place of manufacture, function and design, and status as related to the National Firearms Act. He has contacted the ATF National Tracing Center on numbers occasions and requested firearms traces concerning the manufacture and interstate/intrastate shipment of firearms. In addition, he has assisted federal, state, and local law enforcement agencies with firearms traces.

Special Agent Keener has had numerous contacts with firearms dealers and manufacturers who are federal firearms licensees regarding licensing application as well as firearms transfers, acquisition, disposition, and compliance. He serves as part of ATF's liaison with the firearms industry.

Special Agent Kenner has received formal training for law enforcement and military personnel concerning the recognition and identification of firearms and ammunition and their place of manufacture. He also maintains current information regarding licensed domestic and foreign manufacturers, importers, distributors, and common firearms proof marks used by numerous foreign countries.

With respect to the current matter, Special Agent Keener has examined the following firearms:

- Mossberg 590 12-gauge shotgun (Serial No. R188306).
- DPMS LR-308 rifle (Serial No. FFK027370).
- Smith and Wesson M&P 15 rifle (Serial No. TE94562).
- Smith & Wesson SW40VE .40 caliber pistol (Serial No. RBM9366).
- Para 1911 Expert .45 caliber pistol (Serial No. 000210NW).

Based upon this examination along with his training, background, and experience, he will testify that these firearms were not manufactured in the state of Texas.

Further, Special Agent Keener has reviewed the firearms traces for the above-listed firearms. Based upon this review, he will testify that Heon Jong Yoo was the purchaser of the following firearms:

- Mossberg 590 12-gauge shotgun (Serial No. R188306).
- DPMS LR-308 rifle (Serial No. FFK027370).
- Smith and Wesson M&P 15 rifle (Serial No. TE94562).
- Smith & Wesson SW40VE .40 caliber pistol (Serial No. RBM9366).

The government believes that much of the testimony of this witness is actually proper lay opinion. Nevertheless, the government is designating the witness as an expert in an effort to avoid any evidentiary disputes at trial.

Pursuant to Federal Rule of Criminal Procedure 16(b)(1)(C), the government requests that the defendant provide a written summary of any expert testimony that he intends to use at trial.

JOSEPH D. BROWN
UNITED STATES ATTORNEY

/s/ L. Frank Coan, Jr.

L. Frank Coan, Jr.
Assistant United States Attorney
Bar No. 170966 (Georgia)
110 N. College, Suite 700
Tyler, Texas 75702
(903) 590-1400
(903) 590-1439 Fax

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CERTIFICATE OF SERVICE

I hereby certify that a copy of this pleading was served on the defendant via U.S.
mail on this the 31st day of October, 2018.

/s/ L. Frank Coan, Jr.

L. Frank Coan, Jr.